



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,438	11/03/2003	Keisuke Kii	Q78133	2685
65565	7590	12/31/2007		
SUGHRUE-265550				
2100 PENNSYLVANIA AVE. NW				
WASHINGTON, DC 20037-3213				
EXAMINER				
CHANG, VICTOR S				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
12/31/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

NOTE

1. The terminal disclaimer filed 12/17/2007 has been reviewed and entered. The obviousness-type double patenting rejection in the prior Office action has been withdrawn.
2. Per applicants' interview request filed with the amendment after final, a phone call was made to the attorney Kaiko Takagi. The attorney inquires that whether the examiner has any questions or suggestions regarding the application. The examiner indicated that there are no specific questions or suggestions to be made.
3. Applicants argue at page 3 that

"The Examiner's assertion that the hydroxyl group in the reactive polymer is generally in excess is not technically accurate."

However, JP '085 teaches that the amount of crosslinking agent is in the range of 0.01-0.5 wt% to avoid gel fraction exceeding 50% for a suitable adhesion to the foam substrate. Since JP '085 teaches that the amount of crosslinking agent controls the gel fraction of the crosslinked adhesive, it infers that a higher gel content can be obtained with a greater amount of crosslinking agent, i.e., the disclosed adhesive is partially crosslinked. The examiner asserts that the small amount crosslinking agent taught by JP '085 reads on the term "partially crosslinked" of claimed invention.

4. Applicants argue at pages 3-4 that

"In this case, since JP '085 does not disclose that the adhesive is "partially" crosslinked or the addition of additional crosslinking agents, JP '085 does not teach a partially crosslinked adhesive composition. In this regard, in Example 1 of the present invention, the adhesive is partially crosslinked by being placed in a thermostat at 50°C for 7 days and then placed in a thermostat at a temperature of 50°C for an additional 7 days to complete the crosslinking. No such steps are taught in JP '085."

Art Unit: 1794

However, applicants are reminded that a complete disclosure in the specification, page 12, of the present application shows that

“For example, when heating and reaction are carried out at a temperature of 50°C for 7 days, usually, crosslinking reaction of the reactive polymer with the polyfunctional compound is completed, and the resulting partially crosslinked reactive polymer (partially crosslinked adhesive) becomes stable in terms of characteristics.”

Hence, even if the additional process step (absent from claim language) is considered, it merely completes the step of being “partially crosslinked”, and Jp '085 still reads on the invention as claimed.

5. Applicants argue at page 4 that

“in the Amendment submitted on September 10, 2007, it was pointed out that when the adhesion to a battery is considered, it is preferable that the supporting ratio of adhesive is higher, since the adhesion area becomes larger. Thus, it is not common or well-known to reduce the adhesive surface coverage. Accordingly, contrary to the Examiner's assertion, Applicants did specifically point out the error in the Examiner's notice.”

However, the complete statement in the 9/10/2007, Remarks pages 8-9, is

“With regard to the function of the battery, the securement of ion permeability is important, and it is preferable that the supporting ratio of adhesive is lower. However, when the adhesion to a battery is considered, it is preferable that the supporting ratio of adhesive is higher, since the adhesion area becomes larger.”

Since applicants' statement is essentially in agreement with the examiner's Official notice in the Office action mailed 9/17/2007, page 5, that

“reduced adhesive surface coverage is common and well known, motivated by the desire to adjust the amount of adhesiveness and/or a reduced cost. It would have been obvious to one of ordinary skill in the art of adhesive to modify the invention of JP '085 accordingly.”

it is unseen how the Official notice is in error.